IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Nanu Ram Vs. Firm Kanhaiyalal Ghamandilal
S.B. CR. REVISION PETITION NO.985/2006

Against order dated 15.09.2006 passed by Addl. Sessions Judge No.1, Sri Ganganagar in Criminal Case No. 9/06 (Nanu Ram Vs. Firm Kanhaiyalal Ghamandilal).

DATE OF ORDER :: 14th November, 2006.

PRESENT

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. B. N. Kalla for petitioner.

BY THE COURT:

Petitioner Nanuram by the present revision petition filed under Sec.397 read with Sec.401 Cr.P.C. challenges the order dated 15.09.2006 passed by Addl. Sessions Judge No.1, Sri Ganganagar in Criminal Case No. 9/06 (Nanu Ram Vs. Firm Kanhaiyalal Ghamandilal) allowing the application dated 20.03.2006 filed on behalf of respondents for taking them as legal representatives on record and ordered to add them as party respondents in the appeal.

The contention of the learned counsel is that the complainant died at the appellate stage during the pendency of the appeal and his legal representatives were to be taken on record to pursue the remedy. According to the learned counsel, this order is not sustainable in the eye of law and as law points is involved in the matter, therefore, the revision petition requires admission and disposal on merits.

I have considered the submissions made before me.

The appellate Court while considering the application moved on behalf of the legal representatives of the complainant for taking them on record, found that the proceedings were initiated under Sec.138 of the Negotiable Instruments Act and the complainant died at the appellate stage, and in these circumstances, relying on a decision rendered in the case of Kaushal Kumar Telukdar Vs. Chandra Prasad Goenka (2005 DCR 619), reference to which has been made in the impugned order, came to the conclusion that in such matters the legal representatives

can continue the proceedings. The reasoning given by the appellate Court based on legal point suffers from no illegality or infirmity. It is a case where under the Negotiable Instruments Act the petitioner was convicted and sentenced for one year's simple imprisonment and he was made liable to pay compensation of Rs.6 lacs. On appeal being filed by the petitioner, during the pendency of the appeal the complainant died, therefore, in the above circumstances, the learned revisional Court has properly considered the matter and allowed the legal heirs of the complainant to continue the appeal and the order impugned calls for no interference by this Court.

The revision petition has no merit and deserves to be dismissed summarily.

The revision petition stands dismissed accordingly.

(SATYA PRAKASH PATHAK) J.

/jpa